

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Casados	Team: Team # 5	CCRB Case #: 201101033	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 01/18/2011 9:20 PM	Location of Incident: § 87(2)(b)	Precinct: 46	18 Mo. SOL 7/18/2012	EO SOL 7/18/2012	
Date/Time CV Reported Thu, 01/20/2011 12:20 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 01/25/2011 3:13 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Kevin Martin	24921	941068	046 PCT
2. An officer			046 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Maribeth Bradley	13591	945519	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Kevin Martin	Abuse: PO Kevin Martin stopped § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
B.POM Kevin Martin	Abuse: PO Kevin Martin searched § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
C.POM Kevin Martin	Force: PO Kevin Martin used physical force against § 87(2)(b)	§ 87(2)(b)
D. An officer	Force: An officer used physical force against § 87(2)(b)	§ 87(2)(b)

### Case Summary

On January 20, 2011, at approximately 12:20 a.m., § 87(2)(b) reported that he and his nephew § 87(2)(b) were heading up a set of stairs at § 87(2)(b) in the Bronx, when they were stopped by PO Kevin Martin (**Allegation A**). PO Martin then searched § 87(2)(b) and § 87(2)(b) (**Allegation B**). PO Martin found cocaine on § 87(2)(b) and § 87(2)(b) ran away, because he is on parole. PO Martin caught up to him and kicked and punched him (**Allegation C**). § 87(2)(b) was arrested and charged with criminal possession of a controlled substance in the 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> degrees. § 87(2)(b) further reported that he was taken to § 87(2)(b) Hospital because he had sore ribs and a laceration to his left ear. His ribs were X-rayed, but no fractures were found. He was then taken to court. § 87(2)(b) also alleged that at the same site and location of his incident, § 87(2)(b) was arrested and beaten up (**Allegation D**). He did not specify by whom or when, and the undersigned investigator was unable to locate an arrest report, a UF 250 or a UF 61 for § 87(2)(b) possibly because he is a juvenile. The investigator was, however, able to locate § 87(2)(b) UF 61 and arrest report pertaining to this incident. PO Martin was his arresting officer, and PO Martin was the reporting officer on the UF 61. Because when § 87(2)(b) filed his IAB complaint and was able to provide the name of the officer who allegedly stopped and searched him and § 87(2)(b) and then struck him, and because the arrest report indicates that that was his arresting officer, Allegations A, B and C are pleaded against PO Kevin Martin. Because § 87(2)(b) did not report who used force against § 87(2)(b) and because no NYPD documentation was available to detail § 87(2)(b)'s arrest, Allegation D is pleaded against "an officer" from the 46<sup>th</sup> Precinct.

§ 87(2)(b) filed this complaint with the IAB on January 20, 2011, generating the original log number 10-02652. The CCRB received the complaint on January 25, 2011. § 87(2)(b) provided three telephone numbers when he filed his IAB complaint, and one of those numbers was also listed as § 87(2)(b)'s telephone number. The undersigned investigator called one of the telephone numbers on January 26, 2011, and received an automated response stating that the voicemail box was full and a message could not be left for the intended recipient. On January 26, 2011, the undersigned investigator called a second provided telephone number for § 87(2)(b) the number that was purportedly linked to § 87(2)(b) and § 87(2)(b) a respondent told the investigator that she did not know § 87(2)(b) or § 87(2)(b) and that they were not reachable at the dialed number. On January 31, 2011, the investigator called the first telephone number again and an automated response stated the dialed number is not in service. On February 1, 2011, the investigator dialed the third telephone number and a female who identified herself as § 87(2)(b) girlfriend answered. She said that § 87(2)(b) was not available at that time, but was reportedly reachable at that number, and she told the investigator that the mailing address he had for him was correct. She took a message for § 87(2)(b). She further stated that she did not know how to reach § 87(2)(b). On February 3, 2011, the investigator called § 87(2)(b) girlfriend again, and again § 87(2)(b) was not available, and she took a message for him. On February 8, 2011, the investigator called her again and did not receive a response, though the investigator did leave a voicemail message for § 87(2)(b). The undersigned investigator mailed two respective please call letters to § 87(2)(b) and § 87(2)(b) one set on January 26, 2011, and the other set on February 1, 2011. None of the letters was returned by the USPS as undeliverable. The investigator queried White Pages, Lexis Nexis and Cole's Directory for a working telephone number for § 87(2)(b) and all three databases yielded negative results. On February 1, 2011, and on February 9, 2011, the investigator queried the NYC Department of Correction website, and it did not indicate that § 87(2)(b) and § 87(2)(b) were incarcerated. As of the date of this

report, neither § 87(2)(b) nor § 87(2)(b) has made an attempt to contact the investigator or the CCRB. § 87(2)(g)

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Team: \_\_\_\_\_

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Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date